

Group I: claims 48-70, 98-101 (drawn to methods for stimulating proliferation by a T cell which expresses a cytokine receptor gamma chain using an agent that binds to the cytokine receptor gamma chain); and

Group II: claims 48, 71-97 and 98 (drawn to methods for inducing unresponsiveness to an antigen in a T cells which expresses a cytokine receptor gamma chain, classified).

Applicants hereby elect the Group II invention (claims 48, 71-97 and 98) for prosecution in this application, with traverse.

In addition, if Group II was elected, the Examiner required an election of a patentably distinct species from the following:

- i) an anti-gamma chain antibody
- ii) anti-IL-2 antibody
- iii) anti-IL-4 antibody or
- iv) anti-IL-7 antibody.

Applicants hereby elect species (i), i.e., an anti-gamma chain antibody, for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

The restriction requirement is traversed to the extent that Applicants believe the claims should be regrouped as a single invention, claims 48-101, for restriction purposes.

Applicants believe the restriction requirement under 35 U.S.C. §121 to be improper on the grounds that Applicants have presented an allowable generic claim, (claim 48) which encompasses the species of stimulating proliferation by a T cell which expresses a cytokine receptor gamma chain using an agent that binds to the cytokine receptor gamma chain (claims 48-70 and 98-101); and the species of inducing unresponsiveness to an antigen in a T cells which expresses a cytokine receptor gamma chain (claims 48, 71-97 and 98).

Specifically, claim 48 is a generic linking claim drawn to a method for modulating unresponsiveness by a T cell, comprising contacting a T cell which expresses a cytokine receptor γ chain and has received a primary activation signal with an agent which modulates a signal associated with ligation of the cytokine receptor γ chain such that unresponsiveness by the T cell is modulated. Such methods include those wherein the agent stimulates a signal associated with ligation of the cytokine receptor γ chain, such that unresponsiveness by the T cell is inhibited. The methods of the invention also include those wherein the agent inhibits a signal associated with ligation of the cytokine receptor γ chain, such that unresponsiveness by the T cell is stimulated. The agent for use in the methods of the invention can act intracellularly or extracellularly to modulate a signal associated with ligation of the cytokine receptor γ chain.

Accordingly, in view of the above traversal, Applicants believe that a restriction under 35 U.S.C. § 121 for claims 48-101 is improper.

However, Applicants believe that a species election, i.e., methods for inducing unresponsiveness to an antigen in a T cell using an agent which acts extracellularly to inhibit delivery of a signal through a cytokine gamma chain and wherein the agent is an anti- γ chain antibody (claims 48, 71-97 and 98), is proper for searching purposes only, posing no undue burden on the Examiner. ***Accordingly, Applicants hereby affirm the election of the species of inducing unresponsiveness to an antigen in a T cell using an agent which acts extracellularly to inhibit delivery of a signal through a cytokine gamma chain and wherein the agent is an anti- γ chain antibody (claims 48, 71-97 and 98).***

It is the Applicants' understanding that under 35 U.S.C. §121, an election of a single species for prosecution on the merits is required, to which the claims will be restricted if no generic claim is finally held allowable. Applicants submit that claim 48 is generic. Moreover, with respect to the elected invention, it is the Applicants